



Report to Planning & Zoning Commission

Clay County, Missouri

Case Number **Dec. 11-119 RZ/P**

Case Type **Rezoning & Preliminary Plat**

Project Name **The McKee Place**

Contact/Applicant Lori Cazzell
15511 Cameron Rd.
Excelsior Springs, MO 64024

Owner Jane H. O'Dell Trust, O'Dell Real Estate
18200 NE 130th Street
Kearney, MO 64060

Request **Rezoning** from Agricultural (AG) to
Residential Urban District (R-1B);
 AND
Preliminary Plat approval of The McKee Place

Application Submittal 2011-10-31

Public Notice Published 2011-11-17

Neighbor Letters Sent 2011-11-18

Report Date 2011-11-28

REPORT AUTHOR(S) Debbie Viviano, Planner
Matthew Tapp, Director

Recommendation APPROVAL with conditions



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General Information

Site Location: 26817 NE 124th Street
Section 15 | Township 52N | Range 30

Site Size: 1.00 acre

Existing Landuse & Zoning: Agricultural (AG)

Zoning/Platting History: None

Surrounding Landuse & Zoning:

- North – City of Excelsior Springs
- East – Agricultural (AG) Zoned Land, Neighborhood Commercial District (C-1)
- South – Agricultural (AG) Zoned Land, City of Excelsior Springs Sewage Treatment Facility
- West – City of Excelsior Springs, City of Prathersville

Current conditions:

Existing Property Lines = **YELLOW** | City Limits = **GREEN**



Courtesy Clay County Assessor GIS/Mapping



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Assessment

Lori Cazzell, representing the property owner Jane O'Dell is requesting **Rezoning** approval from Agricultural (AG) district to Residential Urban District (R-1B), and **Preliminary Plat** approval for The McKee Place proposed to be 1.00 acre located at 26817 NE 124th Street.

The property owner would like to divide off a 1-acre lot of their land with the existing farmhouse to be deeded over to the applicant.

2008 Comprehensive Plan Considerations

The Comprehensive Plan ("Plan") indicates that the subject property is located in the **URBAN SERVICES TIER**, as well as the 1-Mile Urban Coordination Sub-Tier where advise-and-consent should be solicited from the designated city. The City of Excelsior Springs replied as such: *"The plat titled 'McKee Place' in Clay County is consistent with all Excelsior Springs codes regarding right-of-way requirements. No further requirements are needed prior to the subdivision of this land."*

The following tables illustrate two (2) of the most pertinent policies shaped by the Plan. The first (1st) table shows the land use tiers and corresponding guidelines, and the second (2nd) explains the exceptions to the 20-acre minimum lot size policy as directed by the Plan.

Table 4.2 - Land Use Planning Tiers – Presented on the Planning Tier Map			
	Natural Resources Tier * (Yellow)	Rural Low-Density Tier * (Green)	Urban Services Tier * (Salmon)
Intent	Support continued agricultural uses in areas beyond near- and long-term urban service extensions.	To accommodate low density rural uses in areas located beyond anticipated city annexation areas.	To promote urban development compatible with the long range growth plans of adjoining cities.
Primary Uses	Agricultural-related uses, natural resources	Agricultural crop lands, livestock grazing, woodlands, grasslands, rural residences	Urban density residential and non-residential
Residential Uses	Rural Density: 1 dwelling unit per 20+ acres.	Rural Density; Rural Residential Density: low-density rural residential development: 1-dwelling unit per 20+ acres, or 1-farmstead dwelling on 5+ acres; Suburban Density: moderate-density development on municipal-level services: up to 4- units per acre.	Suburban Density: moderate-density development on municipal-level services: up to 4- units per acre. Urban Density: development on municipal-level services: greater than 4-units per acre. 20-acre minimum for agricultural and rural residential uses until such time as urban development occurs.
Non-Residential Uses	Farm service related, recreation	Farm service related, recreation	Recreation, limited commercial and industrial consistent with the long range growth plans of adjoining cities.
Minimum Sanitary Sewer Provisions	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	Municipal Wastewater Treatment Plant connection for Suburban Density or greater. ⁽³⁾
Zoning Districts	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density, such as on 3-acre lots).	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density such as on 3-acre lots).	Open Space & Parks; and residential districts through general industrial (not including Res. Low Density such as on 3-acre lots). AG, Agricultural zoning is appropriate until full range of urban services available.

⁽³⁾ On-site septic allowed for agricultural uses only.

* The **Planning Tier Map** notes a special designation of areas within one mile of each city: "1-Mile Urban Coordination Sub-Tier" where advise-and-consent should be solicited from the designated city. The applicant will be required to submit a letter from the city of jurisdiction concerning the proposal. The Clay County Planning and Zoning Commission may consider the letter as a non binding city recommendation for Clay County to consider in their deliberations.



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Table 4.3 – Option B for Land Use Tier Implementation: Transition Policy Procedures			
	Natural Resources Tier* (Yellow)	Rural Low-Density Tier (Green)	Urban Services Tier (Salmon)
Intent	Exceptions from 20-acre minimum lotsize in Ag-districts / phasing in of new regulations		
Density Exceptions for Legal Lots of Record as of the date of Revision of the Land Development Code	Subdivision of land to 5+acre lots, provided that 50% of the subdivided parcel is preserved, such as in an agriculture deed restriction.	Or, subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved.	Subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved, and—for plats within one mile of a city—the city's issues have been addressed.
Other Exceptions	Farmstead** dwellings allowed on 5+acre parcels.		City within one mile may review and recommend other exceptions granted in other tiers, provided a "shadow plat" at urban density is approved.

* The Natural Resources Tier includes an "Urban Services Transition Sub-Tier" area along M-92 and C-Highways that extends where urban development is influenced by the urban highway; yet remains within the Natural Resources Tier designation for purposes of enhanced environmental review and scrutiny.

** A "Farmstead Dwelling" is the original residence built and initially occupied by a farm family, regardless of whether the current household occupant is associated with farming.

Character of the General Neighborhood

To the north is the City of Excelsior Springs. To the east lies Agricultural (AG) zoned property and a Neighborhood Commercial District (C-1). The City of Excelsior Springs and the City of Prathersville are to the west. To the south is Agricultural (AG) zoned property and the City of Excelsior Springs sewage treatment facility [See Attachment B].

LDC Considerations

The rezoning application was properly noticed in the Kearney Courier on November 17, 2011. Adjacent property owners within the statutory law mandated 1,000 foot distance were notified by means of a certified letter dated mailed on November 18, 2011. The petitioner should fully address the five (5) rezoning criteria in the Land Development Code (LDC) which requires the following standards be met with a rezoning application (*Section 151-3.3 F*):

1. Whether or not the proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition in the area;
2. Whether or not the proposed amendment is consistent with the *Comprehensive Plan* and the stated purpose and intent of Sec. 151-1.7;
3. Whether or not the proposed zoning district as a whole allows development that is compatible with existing uses and zoning of nearby property;
4. Whether or not the county and other service providers will be able to provide adequate public facilities and services to the subject property, while maintaining adequate levels of service to existing development; and
5. Whether or not the proposed amendment would result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, storm water management, and natural resources.



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Outside Agency Review

The Clay County Highway Department has noted they have no fees or requirements, but if the situation changes for additional driveway access in the future off of County-maintained roadways, permits would be issued according to the technical specifications and criteria. The City of Excelsior Springs has jurisdiction over the driveway access, because the complete right-of-way for NE 124th Street falls within the city limits. The City of Excelsior Springs replied in an e-mail the following: *"has an existing gravel driveway that meets all applicable codes of the City of Excelsior Springs as it sits currently...It is grandfathered in as a gravel drive. If any improvements were made to the drive, it would need to be paved to a dust free surface."*

The Clay County Health Department has given preliminary approval of the project but noted that the onsite septic system must discharge completely within the proposed lot prior to final approval. The City of Excelsior Springs presently provides water and fire protection services for the existing single family residence.

Findings

The subject segment of roadway is named NE 124th Street and not McKee Road as indicated on the Preliminary Plat, and must be changed on the Final Plat.

Road Impact Fees (*RIF*) are not required as the proposed new lot would include the existing farmhouse.

Recommendations

It is the recommendation of Staff that the request for **Rezoning** from Agricultural (AG) district to Residential Urban District (R-1B) be **approved**, subject to the petitioner addressing all rezoning standards.

Staff recommends the **Preliminary Plat** of **The McKee Place** be **approved**, with the following conditions as shown on Exhibit A:

Exhibit A

1. Verification that the on-site sewage system serving the existing single family residence is located on the lot and does not discharge onto any other property prior to Health Department final approval.
2. The following changes to the Final Plat:
 - a. CHANGE: McKee Road to NE 124th Street



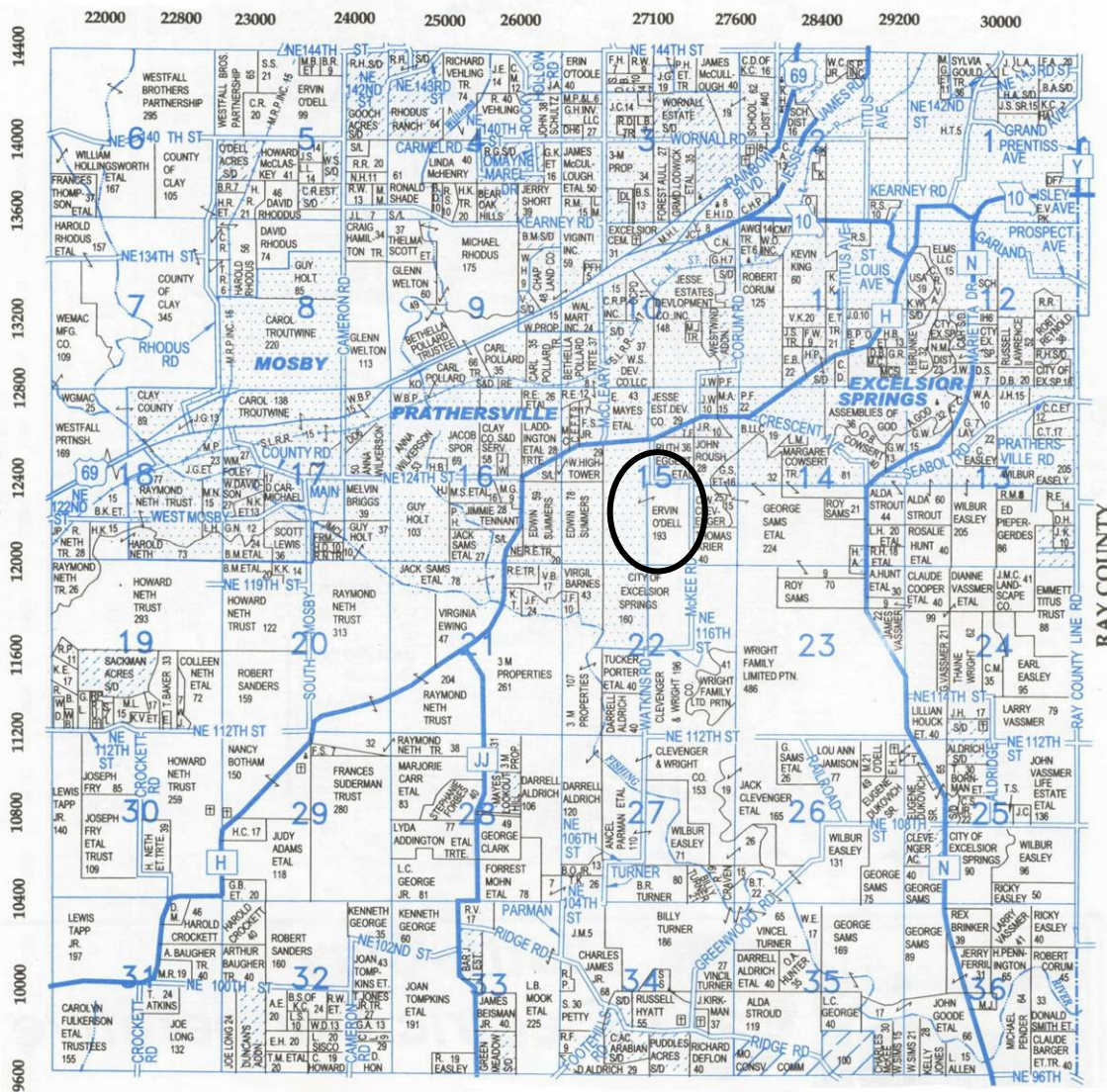
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Attachments

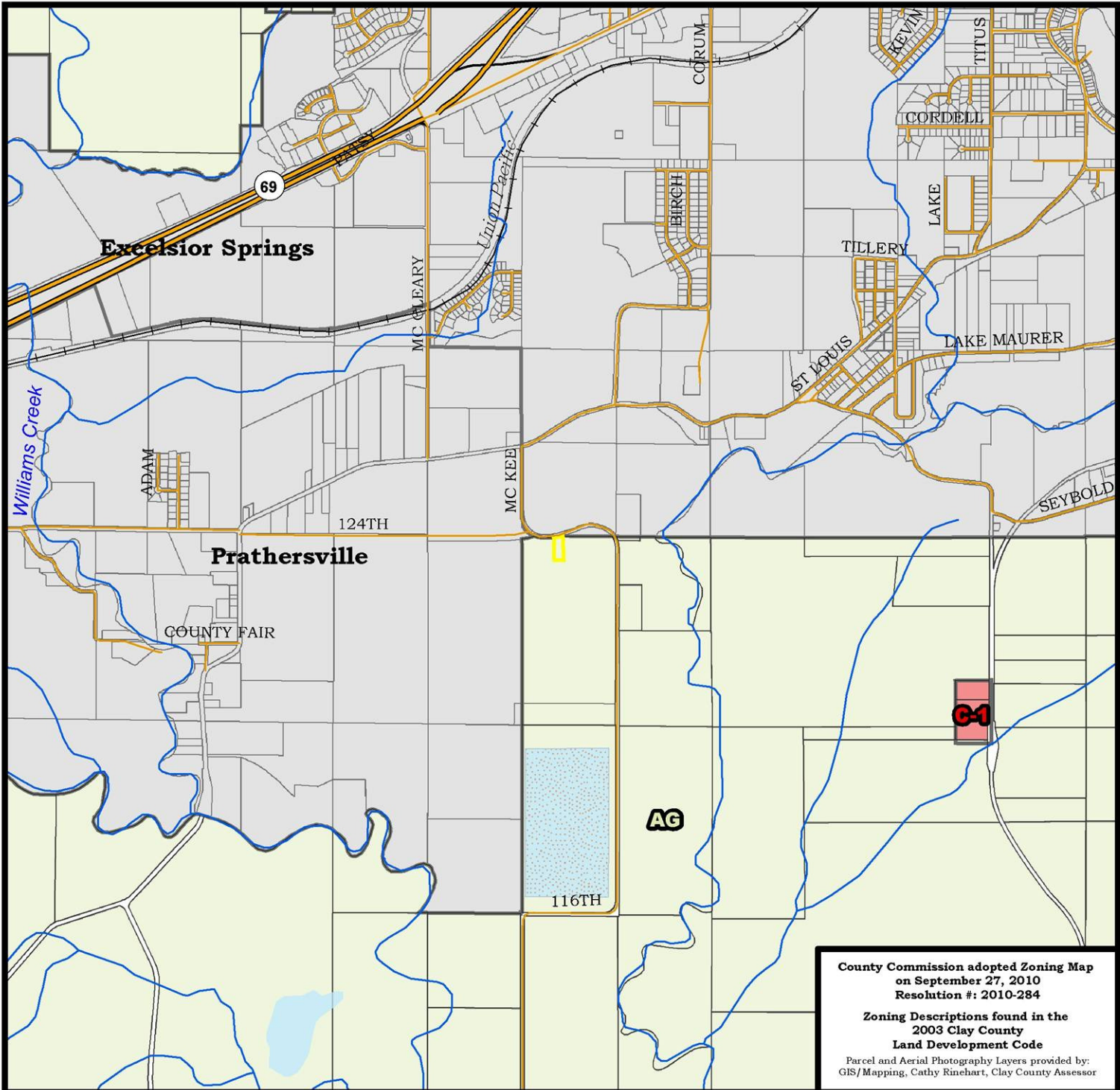
Dec. 11-119RZ/P The McKee Place Attachment A - Vicinity Map

TOWNSHIP 52N • RANGE 30W



Dec. 11-119RZ/P - The McKee Place

Attachment B - Existing Conditions Map



County Commission adopted Zoning Map
on September 27, 2010
Resolution #: 2010-284

Zoning Descriptions found in the
2003 Clay County
Land Development Code

Parcel and Aerial Photography Layers provided by:
GIS/Mapping, Cathy Rinehart, Clay County Assessor

Planning & Zoning Department



1 inch = 2,000 feet
1 inch = 0.38 miles

LEGEND

- Proposed Property Line
- parcel
- Streams (EPA)
- Railroads

- Roads CLASS
- Interstates
- State Highways
- Local Roads
- Highway Ramps

- Overlay Districts
- CD (Conservation District)
- PUD (Planned Unit Development)

- Subdivisions
- County Boundaries
- 2011 City Limits
- Parks

- Zoning Districts
- AG
- R-1
- R-1A
- R-1B
- R-2
- C-1
- C-2
- C-3
- H-1
- H-2
- OP

Dec. 11-119RZ/P - The McKee Place

Attachment C - Site Plan Map



Planning & Zoning Department



1 inch = 50 feet
1 inch = 0.01 miles

LEGEND

Proposed Property Line	Roads CLASS	Overlay Districts
parcel	Interstates	CD (Conservation District)
Streams (EPA)	State Highways	PUD (Planned Unit Development)
Railroads	Local Roads	
	Highway Ramps	

Subdivisions
County Boundaries
2011 City Limits
Parks